

AUG 23 2005

**PATENT**

Reply Under 37 CFR 1.116 Expedited Procedure

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/877,928  
Applicant : Jensen et al.  
Filed : June 7, 2001  
TC/A.U. : 2153  
Examiner : Edelman, Bradley E.

Confirmation No.: 1359

Reply Under 37 CFR 1.116  
Expedited Procedure  
Technology Center No. 2153

Docket No. : 42390.P10678  
Customer No. : 08791

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

SIR:

In response to the final Office Action mailed on June 9, 2005, with the three-month shortened statutory period for response set to expire on September 9, 2005, kindly amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

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AUG 23 2005

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

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# FACSIMILE COVER SHEET

REPLY UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER NO. 2665

**Deliver to: Bradley E. Edelman, USPTO**

Art Group: 2153

Facsimile No.: 571-273-8300

Date: August 23, 2005

From: Gregory D. Caldwell, Reg. No. 39,926

Our Docket No.: 42390P10678

Number of pages 13; including this sheet.

Application No.: 09/877,928

Filing Date: 6/7/2001

Docket Due Date(s): 8/23/2005

**Enclosed are the following documents:**

- ☒ Amendment: Response ( 12 pgs)  
☐ Appeal Brief (      pgs)  
☐ Application: \_\_\_\_\_  
                         (      pgs) w/cover & abstract  
☐ Assignment & Cover Sheet (      pgs)  
☒ Certificate of Facsimile  
☐ Continued Prosecution Application (CPA)  
☐ Declaration & POA (      pgs)  
☐ Drawings:      sheets,      figures  
☐ Extension of Time: \_\_\_\_\_  
☒ Fee Transmittal (in duplicate)  
☐ IDS & PTO/SB/08 (      pgs)  
☐ Other \_\_\_\_\_

☐ Issue Fee Transmittal  
☐ Notice of Appeal  
☐ Petition for: \_\_\_\_\_  
☐ Request for Continued Examination (RCE)  
☐ Reply Brief (      pgs)  
☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)  
☐ Request to Rescind Previous Nonpublication Request  
☐ Response to Notice of Missing Parts & Formalities Letter  
☐ Response to Written Opinion (      pgs)  
☐ Terminal Disclaimer  
☐ Transmittal of Publication Fee Due  
☒ Transmittal Letter

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Rachael L. Brown  
Rachael L. Brown

**8/23/2005**

Date \_\_\_\_\_

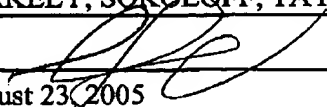
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/877,928
		Filing Date	June 7, 2001
		First Named Inventor	Kell Michael Jensen
		Art Unit	2153
		Examiner Name	Bradley E. Edelman
Total Number of Pages in This Submission	13	Attorney Docket Number	42390P10678

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Fax Cover Sheet</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gregory D. Caldwell, Reg. No. 39,926 <b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b>
Signature	
Date	August 23, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Rachael L. Brown		
Signature		Date	August 23, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460

AUG 23 2005

**FEE TRANSMITTAL  
for FY 2005**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

**Complete if Known**

Application Number	09/877,928
Filing Date	June 7, 2001
First Named Inventor	Kell Michael Jensen
Examiner Name	Bradley E. Edelman
Art Unit	2153
Attorney Docket No.	42390P10678

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): \_\_\_\_\_  
☐ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

**FEE CALCULATION****1. EXTRA CLAIM FEES**

	Extra Claims	Fee from below	Fee Paid
Total Claims	18 - 20* = 0	50.00	\$0.00
Independent Claims	3 - 3* = 0	200.00	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 350	2203 180	Multiple Dependent claim, if not paid
1204 300	2204 150	**Reissue Independent claims over original patent
1205 300	2205 150	**Reissue claims in excess of 20 and over original patent

\*or number previously paid, if greater, For Reissues, see below

SUBTOTAL (1) (\$)

0.00

**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 80	Extension for reply within first month
1252 450	2252 225	Extension for reply within second month
1253 1,020	2253 510	Extension for reply within third month
1254 1,590	2254 795	Extension for reply within fourth month
1255 2,180	2255 1,080	Extension for reply within fifth month
1401 500	2401 250	Notice of Appeal
1402 500	2402 250	Filing a brief in support of an appeal
1403 1,000	2403 500	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1480 130	2480 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)
1808 180	1808 180	Submission of Information Disclosure Stmt
1809 790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

Fee Paid

**SUBMITTED BY**

Name (Print/Type) Gregory D. Caldwell

Registration No. 39,926  
(Attorney/Agent)**Complete (if applicable)**

Telephone (503) 439-8778

Signature

Date 08/23/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (vtr) 12/15/2004.  
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**FEE TRANSMITTAL  
for FY 2005**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/877,928
Filing Date	June 7, 2001
First Named Inventor	Kell Michael Jensen
Examiner Name	Bradley E. Edelman
Art Unit	2153
Attorney Docket No.	42390P10678

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): \_\_\_\_\_

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☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
18	20*	0	\$0.00
Independent Claims	3	0	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 3
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple Dependent claim, if not paid
1204 300	2204 150	**Reissue independent claims over original patent
1205 300	2205 150	**Reissue claims in excess of 20 and over original patent

\*or number previously paid, if greater, For Reissues, see below

**SUBTOTAL (1)** (\$) 0.00**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.
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1253 1,020	2253 510	Extension for reply within third month
1254 1,580	2254 795	Extension for reply within fourth month
1255 2,160	2255 1,080	Extension for reply within fifth month
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1480 130	2480 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1808 180	1808 180	Submission of Information Disclosure Stmt
1809 780	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 780	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (2)**

(\$)

**SUBMITTED BY**Name (Print/Type) Gregory D. Caldwell

Registration No. (Attorney/Agent)

39,926

Telephone

(503) 439-8778

Signature

Date

08/23/05

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